IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION.

CIVIL APPLCIATION NO.1646 OF 2006
IN
WRIT PETITION NO.9503 OF 2004

Bhalchandra Prabhakar Pansare, .. Applicant.
Vs
Tulshiram Asaram Tarode & ors. .. Respondents

Mr Mule i/b Mr Girish S.Godbole, for the applicant.
Mr G.S.Keluskar, for the respondents.

CORAM : D.B.BHOSALE,J.
DATE : 17.08.2006

PC:

1. The applicant, in this application, has made the following prayers.

> "(a) That this Hon'ble Court may be pleased to issue appropriate directions in the nature of injunction to the respondent no.1 restraining him from obstructing the applicant from cutting the trees, the permission for which has already been taken by the applicant from Pimpri-Chinchwad Municipal Corporation on 3.9.2005;
>
> (b) This Hon'ble Court may be pleased to issue an order or direction in the nature of mandatory injunction thereby directing the respondent no.1 for removing the stones which have been placed by the respondent on the Approach road and also restraining the respondent no.1 from preventing the applicant's car from going through the said Approach road to the premise of the applicant;"

Admittedly the dispute was filed by respondent no.1 in the present application and feeling aggrieved by the orders passed by the Courts below, has filed the main

writ petition which has been admitted on 28.11.2005 and is now pending for final hearing. The applicant, who is respondent no.3 in the main writ petition, has never filed any proceedings and claimed the reliefs prayed for in the present application. He cannot, for the first time, make such prayers in the writ petition filed by respondent no.1. In the circumstances, this civil application is rejected. It is, however, open for the applicant to file appropriate proceedings seeking such reliefs.

(D.B.BHOSALE,J.)